

Article 3. Hazardous Waste Discharges**§66263.30. Immediate Action by the Transporter in the Case of a Hazardous Waste Discharge.**

(a) In the event of a discharge of hazardous waste during transportation, the transporter shall take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(b) If a discharge of hazardous waste occurs during transportation and a representative of the Department, any local health officer or any local public officer as designated by the Department, or any federal agency official, acting within the scope of that person's official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have Identification Numbers, are not registered, and without the preparation of a manifest.

(c) An air, rail, highway, or water transporter who has discharged hazardous waste shall:

(1) give notice, if required by Title 49 CFR section 171.15, (as amended October 1, 1987,) to the National Response Center (800-424-8802 or 202-426-2675); and

(2) report in writing as required by Title 49 CFR section 171.16 (as amended April 1, 1984) to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590, and the Department as required by section 66263.15(a)(3).

(d) A water (bulk shipment) transporter who has discharged hazardous waste shall give the same notice as required by Title 33 CFR section 153.203 (as amended July 1, 1988) for oil and hazardous substances.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5, 25160 and 25161, Health and Safety Code. Reference: Sections 25159, 25159.5, and 25180, Health and Safety Code, 40 CFR Section 263.30.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§66263.31. Discharge Clean Up.

A transporter shall clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by Federal, State, or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

NOTE: Authority cited: Sections 208, 25150, 25159, 25159.5 and 25168.1, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25169, Health and Safety Code; 40 CFR Section 263.31.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§66263.32. Transporter Reporting Requirements for Missing Hazardous Waste of Concern.

(a) The provisions of this section apply to the transporter of a hazardous waste of concern, as defined in section 66261.111(a).

(b) Upon discovering that a hazardous waste of concern is missing during transportation of that waste, and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the transporter shall immediately attempt to reconcile the reportable quantity or difference with the generator (e.g., with telephone conversations). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the transporter shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and provide the following information:

(1) Generator name and identification number;

(2) Transporter(s) name(s), identification number(s), and, if available, transporter(s) registration number(s);

(3) Destination facility name and identification number;

(4) Manifest number;

(5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes; and

(6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., on highway or roads, rail line, transfer station, truck stop, etc.).

(c) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (b), within 5 days after the reportable quantity or difference was discovered, the transporter shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it, and a copy of the manifest.

(1) If the hazardous waste generator where the shipment originated is located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, or Imperial, the transporter shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.

(2) If the hazardous waste generator where the shipment originated is located in any other county, or outside California, the transporter shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.

(d) This section shall not be interpreted or applied to require that any written report required to be made pursuant to 49 Code of Federal Regulations section 171.16 (as revised October 1, 2002) also be made, copied, or delivered by the transporter to the Department.

NOTE: Authority cited: Sections 25169.6, 25169.7 and 25169.8, Health and Safety Code. Reference: Sections 25169.5, 25169.6, 25169.7 and 25169.8, Health and Safety Code.

HISTORY

1. New section filed 7-10-2003 as an emergency; operative 7-10-2003 (Register 2003, No. 28). Pursuant to Health and Safety Code section 25169.8, this is a deemed emergency and stays effective until revised by the agency.